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THE ANALYSIS OF ECONOMIC MOTIVES IN CORRUPTION WITHIN THE INVESTIGATION OF CORRUPTION CRIMES

[i,]*Slamet Haryadi, [ii]Abdul Qodir Zaelani, [i]Sugeng Dwiono, [iii]Amirah Dwi Subarkah & [i]Nisa Fadhilah

[i]Faculty of Law, Universitas Muhammadiyah Kotabumi, Kotabumi 34517, Lampung, Indonesia
[ii]Faculty of Syariah, Universitas Islam Negeri Raden Intan Lampung, Bandar Lampung 35131, Lampung, Indonesia
[iii]Faculty of Law, Universitas 17 Agustus 1945 Semarang, Semarang 50133, Jawa Tengah, Indonesia

*(Corresponding author) e-mail: slamet.haryadi@umko.ac.id

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ABSTRACT

Over the past five years, corruption cases in Indonesia have shown an alarming upward trend, including corruption that occurs during investigations of corruption cases by law enforcement officials themselves. This phenomenon undermines the integrity of the criminal justice system and erodes public trust in anti-corruption institutions. Although research on corruption has been conducted extensively, attention paid to corruption embedded within the investigative process and the economic motives underlying such practices remains limited. This study aims to analyze the economic motives driving corruption during corruption investigations in Lampung Province, Indonesia. A socio-legal approach is used to examine the interactions between legal norms, institutional practices, and social dynamics that facilitate corruption within the investigative process. The analysis focuses on three corruption cases in Pesawaran Regency and North Lampung Regency involving the embezzlement of funds from the Health Operations Agency (BOK), Technical Guidance for Village Heads (Bimtek), and the School Operations Agency (BOS). The research findings indicate that corruption during the investigation phase is characterized by bribery and extortion, which influence investigators' decision-making, leading to the unfair identification of suspects and legal discrimination. This study provides relevant empirical evidence for countries facing similar challenges in judicial governance and integrity and highlights the importance of reforming investigative agencies, strengthening institutional oversight, establishing independent accountability mechanisms, and implementing transparent investigative procedures. This study also contributes to the global anti-corruption literature by expanding the analysis of corruption beyond public administration and political institutions to include corruption within law enforcement agencies responsible for combating corruption. These measures are crucial for enhancing the credibility and effectiveness of anti-corruption systems and for supporting the development of more accountable and resilient judicial institutions worldwide.

Introduction

Corruption of state finances usually involves civil servants or state administrators, together with the private sector, enriching or benefiting themselves, other people, or corporations (Isra et al., 2017; Meiryani et al., 2022; Umar et al., 2021; Kurniawan et al., 2019). The report of Indonesia Corruption Watch (ICW) in 2023 from the Monitoring of Corruption Trends shows 24 professional backgrounds involved in corruption within government institutions, including 419 Regional Civil Servants, 153 Employees of Ministries/Non-Ministerial Government Institutions/State Agencies, 73 State-Owned Enterprises Employees, 37 Higher Education/University Organizers, 16 Regional Heads, 53 State-Owned Enterprises Officials, 109 Employees and Officials of Regional-Owned Enterprises, 13 Law Enforcement Officers, and 3 Ministers and Deputy Ministers (Anandya et al., 2024). This has become one of the sources of poverty in Indonesia: the growing virus of corruption in society (Anam, 2014).

Corruption cases in Indonesia have increased significantly compared with previous years and are becoming more complex (Hidajat, 2024; Paranata, 2025). The number of corruption cases reached 791, and 1,695 people were designated as suspects; these cases are among the extraordinary crimes that cannot be solved solely through repressive actions (Achmad Aulia, 2025; Suryanto et al., 2018). The rise of corruption cases is caused by the government's efforts to eradicate corruption not being optimal, especially in law enforcement actions (Berdaliyeva et al., 2021; Prabowo, 2016). Corruption by civil servants, state administrators, or private actors harms state finances and increases the cost of living, producing poverty (Chimezie, 2016; Lehman & Morton, 2017; Rose-Ackerman, 2018). Criminal justice institutions should be at the forefront of eradicating corruption (Mahardika et al., 2021). However, in reality, in the midst of various aspirations from society to eradicate corruption, deviation happens in the law enforcement institutions themselves. Especially at the investigation level, both by police investigators and prosecutors, which should be the entrance of the law enforcement process against the corruptor to be brought to trial and held accountable for their crime, but in fact, at the investigation stage, there often happens corruption between the investigators and the corruptors (Husin & Husin, 2022).

Corruption in the investigative process has existed for a long time, involving police investigators, prosecutors, and even investigators of the Corruption Eradication Commission (KPK), originally from the police and prosecutor's office (Muhtar, 2019). When handling corruption cases in the regions, it is not surprising if the cases of corruption that enter the criminal justice system at the investigation stage sometimes do not touch the main actors, because the main actors of corruption crime are people who have positions, power, and money (Ankamah et al., 2018; Prabowo & Cooper, 2016; Vousinas, 2019). The corruptors, when they feel they will be summoned as witnesses or suspects, try to find ways by promising to give money or doing actions to escape or not be present in the place that has been decided, so they can be free from involvement as corruption actors (Gurning et al., 2025; Salihu & Jafari, 2020). Investigators who receive bribery or payoff have a pragmatic mentality. They use various means to make the law easy to evade, selectively enforce it, avoid the law's reach, narrow its meaning, and take advantage of the severity or leniency of criminal penalties.

Literature Review

From an economic perspective, corruption is a form of rent-seeking. Rent-seeking is the pursuit of special benefits from the government (Marista & Farah, 2024). According to Aidt, rent-seeking is an activity that uses real resources for personal gain and causes social losses (Aidt, 2016). Rent-seeking creates incentives to make profits and to innovate to generate more profits. In accounting, this is explained by agency theory, which describes the contractual relationship between two parties, namely the principal (beneficiary) and the agent (who offers services) as the executor of a business on behalf of the principal. The agent uses resources not only for the principal's purposes but also to capture profits from the business's economic benefits. The agent who carries out certain tasks often gains more benefits than the principal or beneficiary (Purba, 2023).

Based on the perspectives of economics and accounting above, according to Bario in Teixeira and Spinelli, there are incentives for the phenomenon of moral hazard, which refers to corruption as if it were a rational act (Teixeira & Spinelli, 2024). In law enforcement, the principal is the institution's leader (such as the head of the police or the attorney general) who leads efforts to eradicate corruption. The agent is defined as the investigator from the police, the prosecutor's office, or the Corruption Eradication Commission

(KPK). In law enforcement, the principal already knows that the agent rationally considers costs; therefore, in eradicating corruption, each party already has costs for these activities. However, sometimes the principal does not know that the agent has already received benefits first from the perpetrator of the crime. Thus, it is reasonable that the interests of the principal and agent often conflict because of their different desires (Ramadhan, 2023). The interests of both parties are not always aligned because the authority delegated to the agent by the principal allows the agent to act in the agent's own interests, which principal'sare often not in line with the will of the will. This situation assumes that individuals are rational actors, and opportunities for behavior that seeks profit (self-benefit) will not be easily ignored (Peiffer & Marquette, 2015).

In the context of corruption within criminal investigations, two pivotal factors emerge: the first centers on the behavioral patterns of investigative officers, while the second focuses on systemic institutional issues. Lawrence M. Friedman conceptualizes legal behavior as shaped by the interplay between (1) the social influence of institutions (peer groups) and (2) internal values—such as conscience, conceptual frameworks, and deeply held beliefs. This interaction ultimately dictates legal outcomes or, conversely, drives calculated attempts to distort or subvert the enforcement of the law (Friedman, 2019). Furthermore, Friedman (2019) categorizes legal behavior into four distinct models: (a) behavior calculated through a cost-benefit analysis; (b) behavior driven by the surrounding cultural environment and peer group dynamics; (c) behavior guided by moral conscience; and (d) behavior stemming from institutional inertia, habit, or sluggishness (Friedman, 2019).

The legal behavior of investigative officers constitutes an institutional culture that is fundamentally constructed by individuals aligning their conduct. This mutual reinforcement fosters shared ideas, cognitive frameworks, emotional responses, and information exchange that align with their internal belief systems (Kasali, 2007). In essence, institutional legal culture functions as a living social practice within a specific legal community (Van Hoecke & Warrington, 1998).

Friedman emphasizes that the internal legal culture of investigators represents a critical dimension of group legal culture. The legal culture of these professionals—police, prosecutors, judges, and advocates—is governed by distinct values, ideologies, and operational principles that operate within the "inner circle" of the legal system. Consequently, analyzing the relationship between general legal culture and the institutional culture of law enforcement agencies helps explain how the legal culture of investigative officers functions as a vital, integrated component of the broader criminal justice system.

From a criminological perspective, corruption is an opportunity, referring to actions carried out by individuals who often use opportunities that appear to gain personal benefits (Teixeira & Spinelli, 2024). Theoretically, this is connected with rational choice theory, because individuals consider the costs versus the benefits they can gain from their actions. One analysis often used to study corruption from an individual's perspective is the fraud triangle. In Teixeira and Spinelli (2024), Donald Cressey explained three conditions that determine the occurrence of fraud in organizations: pressure, opportunity, and rationalization (Teixeira & Spinelli, 2024). According to Cressey, people commit fraud when they have financial problems that cannot be solved openly, and they know and believe that the problem can be solved secretly through their position or job. They change their mindset from being a trusted person holding assets to someone who uses the assets entrusted to them (Wahyuni & Budiwitjaksono, 2017).

They generally realize fraudulent behavior (such as bribery) as something against the law, but they try to justify it by thinking that what they do is normal. However, theoretical explanations of corruption that focus solely on individuals are incomplete because the relationship between agent and principal is also shaped by rules and the institutional context in which they work. Individuals are not free from social context, so controlling corruption through policy is more important than relying solely on judicial processes (Mungiu-Pippidi, 2024). The behavior of individuals (investigators) is important to observe. At the same time, it is necessary to recognize that institutions play an important role alongside individual behavior. This context determines the conditions under which corruption occurs in an investigation. In other words, in the triangle of corruption, the cause may stem from investigators (agents), their authority, or their belief that they will not be punished due to weak institutional controls or a lack of supervisory mechanisms. Jain, in Teixeira and Spinelli, noted that corruption requires freedom of power, economic gain, and a legal/judicial system that offers little chance of perpetrators being detected or punished

(Teixeira & Spinelli, 2024). While the first two factors, economic benefit and freedom, create incentives for corruption, the third factor serves as a deterrent. Therefore, from a theoretical perspective, economic benefit is the main determinant of corruption. If the behavior of bureaucrats and political agents is analyzed from the perspective of rational choice, it can be concluded that they tend to act as rent-seekers, seeking to increase their own wealth rather than serve the public interest. The process of law enforcement often gives rise to legal injustice. This stems from how the law operates within its system (Sholahudin, 2015). The legal principle that everyone is equal before the law is not always upheld (Sholahudin, 2017). Corruption committed by investigators is a criminal act and part of judicial corruption, which is difficult for the public to control. Law enforcement officers (investigators) have significant authority and professionalism in their field, so they are often untouched by the law. To understand the reality of corruption in investigations, concrete efforts are needed to combat and prevent it. The public generally doubts the sincerity of investigators' motives in exposing corruption cases. Investigators are two-faced; on one side, they present themselves as fighters against corruption, but on the other, they act as perpetrators of corruption. Thus, the exposure of corruption cases is not purely an effort to eradicate corruption. It becomes a practice in which they corrupt one another, using the opportunity for personal gain.

Durahman stated that police investigators who accept bribes when handling cases can be subject to disciplinary sanctions, which are no longer appropriate under the rules, and may also face sanctions under the code of ethics (Durahman, 2016). Investigators who accept bribes when handling cases are committing a criminal act of corruption because the role of police investigators is to conduct investigations within the criminal justice system. Given such corruption, Wantu argued that there is a need for an ideal supervision concept for investigating alleged criminal acts, and later for moving towards strict supervision of the investigation process (Wantu et al., 2020). Investigation is carried out by officials appointed by law, as stated in the applicable legislation. However, discipline must be enforced by all parties, including society. Based on the explanations of the problems above, this research seeks to identify, explain, and interpret the corrupt behavior in the investigation. The goal is to find strategic solutions to prevent corruption and to reveal and deconstruct it, because investigators themselves conduct the investigation, which can lead to the failure of law enforcement against corruption. This paper tries to explain the corrupt behavior of the investigation and its impact on injustice.

Methodology

Using a socio-legal research approach and method that examines law not merely as a set of statutory regulations (law in books) but also as a social phenomenon, the researcher examines corruption in investigations within the jurisdiction of the Lampung High Court. The study's geographical and legal scope covers fifteen regencies and cities under the administrative mandate of the High Court, providing a comprehensive dataset of corruption investigations within these jurisdictions. The study takes sample cases of corruption in Pesawaran Regency, such as the corruption case involving Health Operational Assistance (BOK) funds, which entered the criminal justice system and was decided by the Tanjungkarang Corruption Court with Decision Number 6/Pid.Sus/2024/PN.Tjk dated June 13, 2024, with the defendant Tati Diana Sari, SKM., M.Kes. Another case is the corruption in the Technical Guidance Program for Village Heads carried out by the Department of Community Empowerment, which the Tanjungkarang Corruption Court decided on March 14, 2024, Decision Number 34/Pid.Sus-TPK/2024/PN.Tj. In addition, there is the case of School Operational Assistance (BOS) funds in North Lampung Regency that did not proceed further into investigation. Data were gathered through a combination of legal document analysis, observations of law enforcement behavior in corruption cases involving health aid and village officials' technical guidance, and an extensive review of mass-media reporting. Information about corrupt practices in the investigation was obtained through in-depth dialogues with sources and by understanding the process as it unfolded, both textually and contextually. The data were processed, studied, and analyzed by referring to the law and the development of applicable legal rules, as well as the social facts that arise from the workings of the law, so that the research could provide a deeper discussion of corruption in investigations and its impact on legal injustice.

Results and Findings

Investigative Corruption

Investigative corruption can be categorized as a sub-section of judicial corruption in the criminal justice system. From a criminological perspective, both judicial and investigative corruption are types of white-collar or professional crimes (Gottschalk & Tcherni-Buzzeo, 2017). Respected people with high social status commit white-collar crime in their professional work (Sutherland, 1940). White-collar crimes include individuals who commit financial crimes in a professional environment, and it has no boundaries related to gender, race, ethnicity, socio-economic status, or other human characteristics; sex and gender still require more exploration (Dodge, 2025; Kipfelsberger & Gottschalk, 2025). These criminals have legal access and hide their violations inside legitimate transactions (Gottschalk, 2017). White-collar crime has a broad meaning, and in the classical sense, it is understood as a work-related crime because it involves personal gain at the employer's expense, namely the government or clients (Champeyrache, 2025; Kolthoff, 2016). Investigative corruption, whether in a classical or modern sense, reflects the behavior of white-collar crime. This crime is a serious obstacle that blocks justice for the anti-corruption movement (Pontell et al., 2021). The opportunities and chances for investigators (police, prosecutors, KPK) in each law enforcement institution to abuse their authority for corruption are very large and difficult to control by the public. Investigative corruption means acting not according to their duty or against the law for personal or one party's benefit in a case (Pohlmann et al., 2016).

Investigative corruption is corruption committed by investigators such as police officers, prosecutors, and investigators of the Corruption Eradication Commission (KPK) when investigating corruption crimes against people suspected of committing financial corruption against the state (Muslimah, 2021). Transparency International distinguishes several forms of corruption that affect law enforcement officers, each of whom commits fraud through corrupt practices. (a) Usually there is political interference to influence the outcome of criminal court cases; (b) Law enforcement officers (police, prosecutors, judges, lawyers), witnesses, and suspected corruptors practice bribery to influence the legal process and the result of examinations at every stage until trial; (c) Law enforcement officers commit extortion, frightening witnesses during examination so that they agree to bribery transactions; (d) Law enforcement officers engage in nepotism to connect with family members to gain benefits from government project generosity, receiving percentage profits for law enforcement institutions (Jennett, 2014).

The misuse of authority happens because of the personal orientation toward profit and self-interest, which causes suspects to be made witnesses or not charged with participation. From the beginning of the investigation, law enforcement officers had already chosen not to make someone a suspect because of bribery. Investigative corruption is carried out to prevent a perpetrator from becoming a suspect/defendant in the criminal justice process, or if declared a suspect, it will be with an article that does not match the real act. Corruption done by investigators toward one or several people suspected in corruption cases can be influenced by money from one of the suspects, causing the investigator to make examinations that benefit that person but disadvantage others. For example, in the case of BOK fund management, the executor was the treasurer who was actually responsible for the activity, but he was not made a suspect. Instead, the head of the community health center, who only had an acting status (PLT), was charged with responsibility as the main suspect.

Research findings reveal a strong perception among informants regarding the potential influence of personal relationships and proximity to power in determining legal status, specifically in a case involving the alleged misappropriation of Health Operational Assistance (BOK) funds. The fact that the treasurer managing these funds was not named a suspect is perceived by informants as linked to her husband’s position as head of a "lucrative" government office (*dinas yang basah*). Furthermore, his familial ties with civil servants within the investigative institution are seen as providing bureaucratic, economic, and kinship-based access to the investigators.

This perception can be understood as a manifestation of the investigators' legal culture, which remains heavily influenced by patterns of patronage, personal relations, and structural proximity. Such a legal culture risks shifting the principle of equality before the law toward practices of "selective enforcement" or "cherry-picking" justice. In this context, the application of law is not solely based on an individual’s substantive involvement in a crime, but is instead mediated by their social standing and access to power (Alshamsi et al., 2025; Zulhendra et al., 2023).

In such investigation practices, the results are submitted to the prosecutor and then brought to court for trial and decision by the panel of judges, resulting in injustice toward the other suspects. Criminal responsibility is imposed on the defendants brought to court because they did not accept bribes. White-collar criminals are generally known as those who hold high-status positions, including positions of trust (Gottschalk, 2022). According to researchers, corruption cases in various districts of Lampung Province can be classified as white-collar crimes.

One example is the arrest of six civil servants at the Office of Village Community Empowerment of North Lampung Regency, in connection with corruption in the Technical Guidance activities for Pre-Service and National Insight Training for village heads throughout North Lampung (Arianto, 2023). Three of those detained and later named as corruption suspects were the Head of the Village Government Division, the Head of the Village Government Section, and the Partner Organizer of the Technical Guidance. Meanwhile, the Head of the Office and two other civil servants were only made witnesses and then released. Later, the Head of the Office revealed through a video that investigators of the North Lampung Police extorted him. In the case of Pre-Service Technical Guidance, the police investigators, for more than one year, did not name him a suspect but only used him as an object to gain financial income. This situation led the Head of the Office to expose the corrupt behavior in the investigation. After it became viral, the Lampung Regional Police named the Head of the Office as a suspect because he was considered to have embarrassed and tarnished the image of the police institution.

Based on interviews with a key informant, it was disclosed that the Head of the Office, through his staff, had provided funds to, or had been requested to provide funds to, the investigators. Both parties allegedly engaged in transactional behavior to influence the ongoing investigation. This finding can be perceived as a form of "informal costs" and as a manifestation of the investigators' legal culture, wherein the decision to withhold suspect status is intended to shield certain individuals from legal accountability.

Although these interview findings cannot be classified as judicially proven facts, the informants' narratives clearly reflect a profound distrust toward the independence and integrity of the law enforcement process. From a socio-legal studies perspective, this phenomenon illustrates that legal practices do not always operate solely on normative procedures; rather, they are heavily mediated by power relations, informal negotiations, and transactional dynamics embedded within the institutional culture of law enforcement. Within this context, the law enforcement process is perceived not as fully adhering to the principles of due process of law, but rather as being susceptible to an informal, permissive culture that tolerates the abuse of authority.

The Indonesian government ranks highly in corruption, including managing village funds (Kasim et al., 2023). Corruption cases, which belong to other types of white-collar crime, also happened in the Public Health Center of Tegineneng District, which received Health Operational Assistance funds from the central government (Ferrer, 2024). Through the health department and distributed to the Public Health Centers (Puskesmas), which has been practiced for a long time, the acceptance of BOK funds was cut by the Health Department by 14% from the total funds received in all Puskesmas. As in the two cases above, corruption of state finances does not occur in a vacuum; in Indonesia, it is connected to politics and government. Politics and government are understood as the regional head being the product of politics, namely, the regional head elections. When the winner holds the position as Regent or mayor, it cannot be separated from the desire and the need to return the money obtained from the funders, which usually must be returned in the form of funds or projects. Therefore, all environmental positions are counted in monetary terms, and all projects are calculated using deposits between 10 and 20 percent.

This behavior causes state finance to become corrupt. Still, it is collectively connected with several duties and functions and the authority of the state civil apparatus, which is involved in that corruption (Purwaningsih et al., 2020). Usually, the procurement of goods is related to the budget user, commitment-making officials, treasurer, technical activity implementation officials, and partner parties (Rustiarini et al., 2019). In implementing the law by investigators, whether Police, Prosecutors, KPK, or Judges, those state officials can be categorized as abusing their authority or engaging in bribery (Syahuri et al., 2022). Likewise, in the investigative process, not all are examined by investigators in a fair legal process. Still, the identification of suspects and witnesses depends heavily on the influence of money, family, social status, and political power behind them. Investigators can keep the corruptor out of the reach of the law; they can carefully choose who will be made suspects and who will only be made witnesses.

This corruption investigation is hidden and difficult to expose, except when someone reveals their own behavior, such as in the corruption case at the Community Empowerment Agency involving the Pre-Task Training activities for Village Heads. The actors in the investigation of corruption are law enforcers, who are considered the law in society's eyes. Therefore, reporting law enforcers to their institution is not easy. Among them, they already know that there is a possibility of reports and complaints about the behavior of investigators; therefore, they have already arranged meetings and talks related to money in which no witnesses or evidence exist, so that if there is a report, it cannot be followed up on. Such criminal practices are part of the routine of their institution's work, making them difficult to reach by the law. These invisible crimes are various. First, crimes committed by employees against the organization. Second, corporate crimes against employees. Third, fraudulent behavior. And fourth, environmental crimes (green crime).

Investigative corruption is the corruption committed by police investigators or prosecutors toward people strongly suspected of being perpetrators of corruption crimes by keeping them out of the reach of the law. The police do not determine one of the corruption actors as a suspect, or they do not carry out the investigation properly. Likewise, prosecutors, as investigators in corruption cases, manipulate the examination so that someone is not designated as a suspect but only as a witness. Corruption occurs through transactional bribery between the alleged corruptor or his lawyer and the investigator handling the case.

Investigative corruption grows fertile in law institutions that handle corruption crimes. This condition becomes an obstacle to eradicating corruption and enforcing the supremacy of law in Indonesia. One of the root problems is the attitude and point of view of law enforcers (police, public prosecutors, judges, and lawyers) toward accepting modern law, which has become the internal legal culture in law enforcement in Indonesia. Becoming part of modern law is not a source of development problems. Still, it is a wide and complex phenomenon identified as a major obstacle to the country's development and legal supremacy. This problem is rooted in several factors, including low salaries for judges, court staff, and police; inadequate funding for the judiciary; political interference; and a culture of impunity (Quah, 2019). These factors have created an environment that allows corruption to grow, with judges and court officials often receiving bribes or other forms of inducement in exchange for favorable decisions or other assistance

Corruption in investigation, as a form of white-collar crime, is difficult to detect in terms of legal behavior and hard to eradicate (Eaton & Korach, 2015; Lukito, 2016). The police and the prosecutor's office are two institutions that are not easily touched by anti-corruption efforts. Findings and information obtained from corruption cases show that corruption in investigation allows perpetrators to escape the reach of the law, which can be explained to shield the individual from legal accountability in this case, investigators constructed a legal maneuver based on the formal requirements of Article 1, Point 14 of the Criminal Procedure Code (KUHAP), which defines a suspect as "a person who, due to their actions or circumstances, is suspected of being the perpetrator of a criminal offense based on preliminary evidence." This was further integrated with Article 183 of the KUHAP, which stipulates that "a judge shall not impose a criminal penalty on anyone unless, based on at least two pieces of valid legal evidence..." Consequently, a specific legal construction was systematically framed around the causal links found in witness testimonies, documentary evidence, and expert auditor statements. This construction was intentionally designed to demonstrate the absolute absence of unlawful fault (*kesalahan yang melawan hukum*) and state financial losses.

Corruption in investigations conducted by police and prosecutors is nothing new. It has been happening for a long time, not only in corruption cases but also in almost every criminal case. In corruption cases, what makes it different is that the perpetrators are not ordinary people. They are individuals with social status and official positions in government or state-owned enterprises at the central and regional levels (Sahama et al., 2019). This condition enables corrupt actors, who refuse to be named as suspects, to find opportunities by exploiting investigators seeking bribes and gratuities.

Corruption arises from misusing authority for money or material gain for personal interests (Heath et al., 2016; Javor & Jancsics, 2016). The analysis of corruption in investigation reflects institutional deviation connected to the corrupt behavior of investigators, which includes: (1) corruption of authority, where investigators receive something illegally, (2) investigators, whether police or prosecutors, acting corruptly by working to assist someone in return for rewards or kickbacks—these kickbacks are often received in the form of favors, work benefits, or services provided, and (3) extortion (shakedown) or bribery, where investigators, upon witnessing or knowing of a criminal offense, accept bribes so that the suspect is not charged or detained.

Based on findings regarding corrupt behavior in police and prosecutorial institutions, related to the practice of corruption in investigation, the cause-and-effect relationship can be outlined as follows:

Table 1. Cause and Effect of Investigative Corruption

Investigative corruption	Cause	Effect
Intervention of Structural and Bureaucratic Power	Power relations, informal communication, and the personalized approaches of specific actors effectively pave the way for reciprocal negotiations outside of official legal procedures. These informal channels are strategically utilized to circumvent statutory mandates, ultimately ensuring that certain individuals are neither detained nor designated as suspects.	Someone initially strongly suspected to be a suspect was only determined to be a witness.
Intervention of Economic Power	The investigator accepted bribes and or gratuities in the corruption cases being handled.	Someone initially strongly suspected to be a suspect was only determined to be a witness.
Abuse of Authority in Investigation	The investigator threatened officials that their project activities would be investigated.	Someone innocent became guilty.

Based on the table above, it can be understood that corruption in investigations within both institutions cannot be separated from the intervention of leaders who are corrupt and not oriented toward eradicating corruption. The attitude, behavior, and values within the investigation process tend to lead to corrupt investigation practices. This condition is closely related to the position of leaders who are connected with the structure of executive and legislative power, and also investigators who, in their operational work, directly interact with those strongly suspected as perpetrators and witnesses, where they request or accept bribes from parties involved in the case.

The picture of the causes and effects of corruption in investigations, and the aspect of legal professional education background as police officers or prosecutors, together with their positions, has created a significant opportunity for behavioral patterns that strongly influence people involved in corruption cases to commit bribery and gratification. The aggressive pattern of corrupt investigation behavior is also shown by journalists or NGOs to obtain information about the activities of offices or institutions suspected of state financial corruption, so that investigations can be carried out on employees or regional officials to be summoned and questioned. In this way, civil servants, government officials, and business people can easily follow the direction and intention of the investigators as they wish. This behavior has indirectly shaped society's pessimistic view toward eradicating corruption.

Table 2. Aggressive Investigative Corruption

Investigative corruption	Cause	Effect
Investigator's Behavior: Cost-benefit	Through a clarification letter, summon the aid-receiving institution and then look for errors based on the existing data.	The law is misused to gain material benefit, where what is wrong becomes right, and what is right can turn into wrong.

Corruption investigation is an internal legal culture that grows and develops within the police and the prosecutor's office. Senior officers' bad practice in investigations is to seek personal benefit from the cases they handle. In addition, investigators have a mentality of obtaining financial rewards through negotiations, bargaining for ease, or leniency in the law that they give to the perpetrators of corruption.

The actions of investigators that keep cases away from the reach of the law have a significant impact on the functioning of the criminal justice system and on the weakening of law enforcement in society. It makes investigators non-transparent and non-accountable in handling corruption cases that enter the institution. The decline of enforcement performance shows that corruption cases are always marked by certain modes and tendencies of bribery in the investigation environment. The impact of judicial corruption that removes cases from the reach of the law results in the loss of the value of truth in the legal process, making the process unfair.

Selective Enforcement

The term selective enforcement was first used by Indonesia Corruption Watch (ICW), which said that eradicating corruption is like entering a deep jungle, dark and full of hidden mines (Watch, 2005). If we only cut what appears before us, we might be trapped by the mines that catch our feet. However, if we are too busy avoiding the mines, no trees will ever be cut because our energy is only focused on protecting ourselves. Both choices are equally difficult and paradoxical. This condition is described differently by the media and the general public, especially concerning law enforcement practices in investigations. Selective enforcement refers to how police investigators or prosecutors use their authority unfairly, showing favoritism when deciding who will be designated as witnesses or suspects (Manoli & Bandura, 2021; Natamiharja et al., 2021).

The behavior of selective enforcement is often based on the desire to gain material (economic) benefit from the corruption case being handled, especially when the suspects have strong political power or financial ability to pay bribes (Berghoff & Spiekermann, 2018). Therefore, selective enforcement in handling corruption cases can happen in two ways: (1) in the same event, one case is processed while another is ignored; (2) in the same case, one person is declared a suspect while others are released. As part of corruption in the investigation process, this phenomenon is usually beyond the reach of public monitoring by the media or NGOs, let alone ordinary society. Only those directly involved, like the bribers and the receivers (corruptors and investigators), along with the prosecutors and judges handling the case, are aware of it.

The public prosecutor's knowledge is based on the legal study of investigation files submitted by the police to the prosecutor during the pre-prosecution stage. By studying the construction of the case, prosecutors can recognize when police investigators practice selective enforcement. An incomplete submission of witnesses and suspects indicates that the police did not conduct a fair legal process in collecting evidence. On that basis, the public prosecutor usually asks the investigators to complete the files as recommended.

In practice, when selective enforcement occurs in investigations, prosecutors often remind and suggest that the police complete the investigation files during the pre-prosecution stage. This happened in investigating the corruption case of the Pre-Assignment Technical Guidance (BIMTEK) for Village Heads, organized by a third party with the approval of the Lampung Utara District Community Empowerment Agency (DPMD). For almost a year, the main suspect was not submitted to the prosecutor's office, while the others had been declared suspects, but their cases were not followed up on. It was later revealed that hundreds of millions of rupiah flowed to certain police officers in the Criminal Investigation Unit of Lampung Utara Police, and around 1.5 billion rupiah was handed over to the police to free the suspects in the alleged corruption case of the Village Heads' Pre-Assignment Bimtek involving the Head of the Community Empowerment Agency.

The problem becomes even more difficult if selective enforcement occurs within the prosecutor’s office, because no other institution monitors the results of prosecutors’ investigations except the prosecutors themselves. This was seen in the corruption case of BOK funds in Tegineneng Subdistrict, which was examined in court. When witnesses were questioned during the trial, the judge said, "You should be grateful that you were not declared a suspect by the prosecutor". One judicial panel member revealed that in the BOP case, many irregularities occurred, and some legal subjects were not declared as suspects or defendants. However, in such cases, the judges could only sense and notice the irregularities in the indictment or the evidence. However, they could not examine them further during the trial because the judges must base their judgment only on the indictment submitted by the public prosecutor. In many corruption cases in Lampung, selective investigation enforcement indicates that corruption also exists within the investigation process.

Keeping Away from the Reach of Law

The term keeping away from the reach of law means that, in a process of investigation, one or two people involved in a criminal case, one of them or both, are not made into legal subjects who can be held responsible as perpetrators (Lavin et al., 2019). So, being kept away from the reach of the law is limited only to being witnesses, or removed from the legal event, and not touched by the law, even though the person should actually be involved. Keeping out of the reach of the law is a form of corruption in the investigative process. The difference with selective prosecution lies in the identity of the legal subject. Investigators keep someone away from the reach of the law because that person has an important position or is a high-ranking official. While selective prosecution does not always involve important people, it can be anyone with economic ability and access to police or prosecutors.

Keeping away from the reach of the law is a form of investigative corruption, for example, in the corruption case of BOK funds in the Pesawaran district, where the BOK manager only became a witness. In contrast, the Head of the Community Health Center became the suspect. In fact, the Head of the Community Health Center was only Acting Head (Plt), and it was known that he was the husband of the BOK manager, a local official close to the Regent. In addition, included in those kept away from the reach of law was the Head of the Health Office of Pesawaran District, who cut BOK funds by 12% for every health center, but no further investigation was made, so that he only became a witness. In fact, the evidence of BOK fund cuts could be investigated more deeply to clarify his actions, the state's financial loss, and who should be more responsible.

The difference can be seen in the corruption case of the Pre-Duty Training (Bimtek Pratugas) for Village Heads, which involved the Head of the Community Empowerment Office. The corruption in the investigation happened in the Police, so the Prosecutor's Office could not continue the case to the stage of transferring the suspect because the Head of the Community Empowerment Office of North Lampung was not yet determined as a suspect. The public prosecutor knew that the investigation of the suspect was incomplete. Finally, almost two years after the Head of the Office felt that he had been submitted to the court by the police investigators, the Head of the Office reported to the Regional Police. However, in the end, the investigators were given an ethical code sanction, and the case was brought to court with the Head of the Community Empowerment Office becoming the Defendant.

Table 3. The Nature of Actions that Avoid the Reach of the Law

No.	Case	The Nature of Actions that Avoid the Reach of the Law	Description
1.	The corruption of BOK funds involved the BOK manager as the budget user and the budget deduction by the Head of the District Health Office.	The BOK treasurer, the Head of the Health Office, and the BOK manager are kept away from legal charges and only act as witnesses. The suspect is limited to the acting head of the community health center as the budget user.	People only know that the perpetrators of corruption have been processed through the law.

Discussion

The Impact of Corruption in Investigation: Keeping Away from the Reach of Law

As explained above, corruption in investigation impacts an unfair legal process, creating problems in law enforcement that society feels are controversial and paradoxical (Isra et al., 2017). Corruption in investigation has brought negative effects in law enforcement, and some of the negative effects are as follows:

Three (3) people are indicated as perpetrators of corruption, but only one is designated as a suspect. The others are kept out of the reach of the law and are only designated as witnesses. This kind of corruption in the investigation happened in the prosecutor's office, which handled the corruption case of Health Assistance Funds (BOK) in the Pesawaran Regency. The difference between corruption in the investigation in the police and in the prosecutor's office is that if it happens in the prosecutor's office, there is no control from other law enforcement components, because in a corruption case, the prosecutor acts both as the investigator and also as the public prosecutor. Therefore, an event suspected of indicating corruption in an investigation, except through the pretrial mechanism, can no longer be controlled by other institutions involved in the legal process.

The corruption of BOK funds that happened in one regency in Lampung, if the eradication of corruption was carried out with full responsibility and if the investigator implemented a fair legal process in the investigation, then the BOK corruption case would be analyzed based on the witnesses' testimonies presented in the trial. The witnesses' testimonies largely overlapped, suggesting that the perpetrators were a single person: the two heads of community health centers and a treasurer.

Witness TN committed the act of corruption, unlike the designated defendant. This is in accordance with the main duty and function of witness TY as the treasurer of receiving and managing BOK funds. If the community health center was under acting official (Plt) status, based on the witnesses' testimonies in the trial, such as Setiawan Pambuko, Rosmauli Marti Silaban, Marisa, Septi Dwi Putri, Fitria, and Nurindriana, generally, all of the witnesses gave similar statements regarding the deduction of activity funds, the reporting, and the payment of the activity funds, and all pointed to the activity manager (Decision of PT Tanjung Karang 6/PID.SUS-TPK/2024/PT TJK, 2024).

The state was forced to charge one perpetrator, even though it should have charged the other two. Corruption in the investigation is another factor weakening investigators' efforts to eradicate corruption. The crime committed belongs to white-collar crime, which must be cleaned up by the police and the prosecutor's institutions. This crime causes the law to be applied unfairly, where the law is sharp only downward but blunt upward. Because usually only powerless people can be processed by the law. Strong people cannot be made suspects. In the case of corruption involving BOK funds, weak people, such as the Acting Head of the Community Health Center, became victims of an unfair legal process by investigators. He must bear criminal charges that are not fully his responsibility. Besides that, the replacement money for state losses should be accounted for directly and clearly by the real person who committed the corruption. In this case, the investigator only appointed one suspect, not two or three. Automatically, even though not all of the acts were done by the suspect, because the other actors were only determined as witnesses, all state losses must be borne alone in the amount of Rp. 800,000,000. Investigation, as an activity of collecting evidence, is to make clear who the perpetrator of the crime is. Suppose the legal process is based on fairness. In that case, the suspicion should point to three people, namely, the Treasurer who was also the BOK fund manager, the Acting Head of the Health Center, and the Head of the District Health Office of Pesawaran who, according to two witnesses, received a cut of 14 percent from the BOK funds, not only from one health center but from all health centers in Pesawaran district.

In corruption of state finances, from many cases that happen, many people, or even more individuals, commit corruption. This occurs repeatedly because there are still deviations from misuse of controlled positions (Saputra et al., 2023). The corruption of state finances is related to interconnected duties and functions, and cooperation is needed to carry out the act (Ariyanti & Ariyani, 2020). In fact, the Treasurer or BOK fund manager was only made a witness, and the head of the health office was also made a witness. Behind that, it is known that the husband of the BOK treasurer is the Head of the Financial Agency in one district, and the other one is clearly the head of the health office itself, so even if corruption in the investigation is not directly known, there are indications of economic power or a role of authority that influence the determination of witnesses and suspects. Meanwhile, the suspect, the Acting Head of the Health Center, lacks sufficient financial means or power.

In the case of BOK corruption, the people who should properly be determined as suspects are, first, the main actor, the BOK manager who is also the treasurer, second, the budget user, namely the Acting Head of the Health Center, and third, the Head of the District Health Office who received a 14 percent cut from each health center's BOK funds. In this case, neither the public prosecutor nor the judge conducted a comprehensive investigation into the state losses resulting from the actions of state civil servants or local officials related to the 14% payment to the District Health Office. In the trial, there was no investigation or aggravation related to the payment of funds to the district health office officials.

The amount of state financial loss that must be accounted for was charged to only one person, based on the statement of the Representative of the Audit Board of Lampung Province, not based on the authorized institution, namely the Audit Board of Indonesia (BPK), which has the authority to state the existence of real and definite state financial loss. What is meant by "real state financial loss" is the loss that can already be calculated based on the findings of the authorized institution or a publicly appointed accountant. If the examination is not carried out through an investigative audit, or if the investigative audit is not conducted under authority, it is conducted using unlawful procedures and substances. The conclusion of the examination of state financial loss in corruption crimes will be very risky to the principle of the presumption of innocence. It will mislead public opinion into believing that the suspect caused state financial losses without valid factual evidence. The Supreme Court Circular Number 04/Bua.6/Hs/SP/XII/2016 dated December 9, 2016, about the Application of the Formulation of the Plenary Chamber Meeting of the Supreme Court in 2016 as Guidelines for the Implementation of Court Duties, mandates that the one authorized to state the existence of state financial losses is only the BPK RI. If the BPK RI Audit Report does not mention any problems or findings regarding administrative violations related to legal aspects, law enforcement officials cannot conduct an investigation. Referring to this regulation, law enforcement should wait for the results of the BPK RI before conducting an investigation and prosecution. So law enforcement cannot examine whether BPK has conducted an audit and, in its Audit Report, does not mention findings of state losses or administrative violations, because BPK has the authority to determine state financial loss.

According to the 1945 Constitution and the Criminal Procedure Code, investigation as a law enforcement activity protects human rights. Therefore, a fair and firm legal process should be in place for every person involved in corruption cases (Cahyani et al., 2023). Based on the investigation results, there is strong suspicion of corruption within an institution. From the perspective of law enforcement in corruption cases, such a situation offers little hope, except for improvement in the main aspects of change. The aspect meant here is that law enforcement officers should become pioneers in preventing bribery and in improving the law enforcement system, which is threatened with failure because of the paradoxical behavior of the officers themselves. The law enforcement officers needed are not only those who can carry out their duties and responsibilities, but also those who can uphold the law and justice. In addition, they should have a strong defense and cultivate prevention against bribery within their own institution.

Conclusion

From the explanation above, it can be concluded that investigating corruption is part of white-collar crime, which refers to professional crimes committed by police investigators or public prosecutors to gain economic benefits for personal or institutional interests. Investigative corruption begins with selective legal action and/or keeping corruptors from the reach of the law. Both of these actions occur in corruption cases involving state finances, where the perpetrators are civil servants or state officials, and part of the stolen money is used by the corruptor to bribe or give gifts to investigators so that they are not named as suspects but only treated as witnesses. The impact of investigating corruption in the legal process of ongoing corruption cases is injustice because a person who should actually be a suspect only becomes a witness. This situation weakens law enforcement because, in the end, an innocent person is punished, the state, which is not responsible, is forced to bear the loss, and the suspect who never enjoyed the corrupted money is held accountable.

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